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March 27, 2003

BY HAND

The Honorable Ronald R. Lagueux
Senior Judge
United States District Court
District of Rhode Island
U.S. Courthouse
One Exchange Terrace
Providence, RI 02903

RE: The Estate of Yaron Ungar, et al v. The Palestinian Authority et al.
C. A. No. 00-105L

Dear Judge Lagueux:

There has been pending since November 20, 2002, a Motion for Reconsideration by defendants of your decision entered on November 5, 2002, on defendants' Motion to Dismiss the amended complaint.

There are currently Motions for Default filed by plaintiffs on defendants' failure to file an answer, failure to respond to interrogatories, and demands for documents and admissions. In addition, defendants have applied for a protective order against depositions plaintiffs have noticed of defendants' leadership.

There is a hearing scheduled by Magistrate Judge Martin on April 1, 2003, to consider entry of default for failure to file an answer.

The defendants are anxious to obtain a final decision from U.S. Courts, including the U.S. Court of Appeals, on issues raised in their Motion to Dismiss before the case proceeds to default and, if dismissal is ordered, on issues of defendants' liability for acts of Hamas, of damages, and other remaining issues. See Ungar v. Islamic Republic of Iran, 211 F.Supp.2d 91 (DDC 2002) (No. 00CV2606 JR) and the proceedings therein involving the same plaintiffs suing on the same deaths.


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Defendants strongly believe they should not be forced to choose between default and trial on the merits until their immunity, justiciability of the claims and subject matter jurisdiction are finally decided. They believe that under the volatile conditions that exist and their present physical inability to defend themselves and their people, such proceedings would cause serious and irreparable injury. The defendants, the Palestinian Authority and the Palestine Liberation Organization, together are the present and only government the Palestinian people have, and their political status is approaching universal recognition.

We therefore respectfully request you to act on the pending Motion for Reconsideration in order to facilitate appeals if desired by either party, before the case proceeds further in your Court. Appellate review may become more difficult without the ruling requested.

Thank you.

Very truly yours,


Deming E. Sherman

cc: The Honorable David L. Martin
United States Magistrate Judge
David J. Strachman, Esq.
Ramsey Clark, Esq.
Lawrence W. Schilling, Esq.